

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

JOHN DOE,	)	
	)	
Plaintiff/Respondent,	)	No. ED102092
	)	
vs.	)	
	)	
MISSOURI STATE HIGHWAY PATROL	)	Appeal from the Circuit Court of
CRIMINAL RECORDS REPOSITORY,	)	St. Louis County
	)	
Appellant,	)	
	)	
and	)	Honorable Maura B. McShane
	)	
CITY OF UNIVERSITY CITY, ET AL,	)	
	)	Filed: August 18, 2015
Defendants.	)	

The Missouri State Highway Patrol (MSHP) appeals the trial court's Judgment and Order of Expungement of Arrest Records in favor of John Doe. MSHP argues the trial court erred in granting Doe's petition for expungement because Doe did not prove the elements entitling him to expungement under the statute, and that Doe was barred from seeking expungement under the doctrine of issue preclusion.

AFFIRMED.

**Division Two Holds:**

- (1) An expungement petitioner need not present new evidence of innocence in order to be granted an expungement. The trial court properly applied the law to the facts at hand.
- (2) A preponderance of the evidence showed that Doe's arrests for assault were based on false information, and there was substantial evidence to support the trial court's findings.
- (3) A preponderance of the evidence showed that, at the time of the expungement hearing, there was no probable cause to arrest Doe for assault, and there was substantial evidence to support the trial court's findings.
- (4) Because MSHP never presented the applicability of the doctrine of issue preclusion to the trial court, the argument is waived and is not reviewable by this Court.

Opinion by: Philip M. Hess, P.J.  
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Katharine A. Dolin  
Gregory M. Goodwin, Co-Counsel

Attorney for Respondent: Michael B. Murphy

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS  
BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT  
BE QUOTED OR CITED.**